



## 93RD GENERAL ASSEMBLY

### State of Illinois

#### 2003 and 2004

Introduced 02/05/04, by Donald L. Moffitt, Michael K. Smith,  
Mike Bost

#### SYNOPSIS AS INTRODUCED:

70 ILCS 705/4a

from Ch. 127 1/2, par. 24.1

Amends the Fire Protection District Act. Provides that nominations for members of the board of trustees of a fire protection district shall be made by a petition signed by at least 25 voters or 5% of the voters, whichever is less, residing within the district and shall be filed with the secretary of the board. Provides a form for a nominating petition. Requires the secretary of the board to (i) notify each candidate of their obligations under the Campaign Financing Act and (ii) acknowledge to the petitioner in writing, within 7 days of filing or on the last day for filing, whichever is earlier, the secretary's acceptance of the nominating petition.

LRB093 18665 MKM 44392 b

1 AN ACT concerning fire protection.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Fire Protection District Act is amended by  
5 changing Section 4a as follows:

6 (70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

7 Sec. 4a. Change to elected board of trustees; petition;  
8 election; ballot; nomination and election of trustees. Any fire  
9 protection district organized under this Act may determine, in  
10 either manner provided in the following items (1) and (2) of  
11 this Section, to have an elected, rather than an appointed,  
12 board of trustees.

13 (1) If the district lies wholly within a single  
14 township but does not also lie wholly within a  
15 municipality, the township board of trustees may  
16 determine, by ordinance, to have an elected board of  
17 trustees.

18 (2) Upon presentation to the board of trustees of a  
19 petition, signed by not less than 10% of the electors of  
20 the district, requesting that a proposition for the  
21 election of trustees be submitted to the electors of the  
22 district, the secretary of the board of trustees shall  
23 certify the proposition to the appropriate election  
24 authorities who shall submit the proposition at a regular  
25 election in accordance with the general election law. The  
26 general election law shall apply to and govern such  
27 election. The proposition shall be in substantially the  
28 following form:

29 -----  
30 Shall the trustees of..... YES  
31 Fire Protection District be -----  
32 elected, rather than appointed? NO

1 -----

2 If a majority of the votes cast on such proposition are  
3 in the affirmative, the trustees of the district shall  
4 thereafter be elected as provided by this Section.

5 At the next regular election for trustees as provided by  
6 the general election law, a district that has approved by  
7 ordinance or referendum to have its trustees elected rather  
8 than appointed shall elect 3, 5, or 7 trustees, as previously  
9 determined by the organization of the district or as increased  
10 under Section 4.01 or 4.02. The initial elected trustees shall  
11 be elected for 2, 4, and 6 year terms. In a district with 3  
12 trustees, one trustee shall be elected for a term of 2 years,  
13 one for a term of 4 years, and one for a term of 6 years. In a  
14 district with 5 trustees, 2 shall be elected for terms of 2  
15 years, 2 for terms of 4 years, and one for a term of 6 years. In  
16 a district with 7 trustees, 3 shall be elected for terms of 2  
17 years, 2 for terms of 4 years, and 2 for terms of 6 years.  
18 Except as otherwise provided in Section 2A-54 of the Election  
19 Code, the term of each elected trustee shall commence on the  
20 first Monday of the month following the month of his election  
21 and until his successor is elected and qualified. The length of  
22 the terms of the trustees first elected shall be determined by  
23 lot at their first meeting. Except as otherwise provided in  
24 Section 2A-54 of the Election Code, thereafter, each trustee  
25 shall be elected to serve for a term of 6 years commencing on  
26 the first Monday of the month following the month of his  
27 election and until his successor is elected and qualified.

28 No party designation shall appear on the ballot for  
29 election of trustees. The provisions of the general election  
30 law shall apply to and govern the nomination and election of  
31 trustees.

32 Nominations for members of the board of trustees shall be  
33 made by a petition signed by at least 25 voters or 5% of the  
34 voters, whichever is less, residing within the district and  
35 shall be filed with the secretary of the board. In addition to  
36 the requirements of general election law, the form of the

1 petition shall be as follows:

2 NOMINATING PETITIONS

3 To the Secretary of the Board of Trustees of (name of fire  
4 protection district):

5 We, the undersigned, being (number of signatories or 10% or  
6 more) of the voters residing within the district, hereby  
7 petition that (name of candidate) who resides at (address of  
8 candidate) in this district shall be a candidates for the  
9 office of (office) of the Board of Trustees (full-term or  
10 vacancy) to be voted for at the election to be held (date of  
11 election).

12 The secretary of the board shall notify each candidate for  
13 whom a petition for nomination has been filed of their  
14 obligations under the Campaign Financing Act, as required by  
15 the general election law. The notice shall be given on a form  
16 prescribed by the State Board of Elections and in accordance  
17 with the requirements of the general election law.

18 The secretary shall, within 7 days of filing or on the last  
19 day for filing, whichever is earlier, acknowledge to the  
20 petitioner in writing his acceptance of the petition.

21 The provisions of Section 4 relating to eligibility, powers  
22 and disabilities of trustees shall apply equally to elected  
23 trustees.

24 Whenever a fire protection district determines to elect  
25 trustees as provided in this Section, the trustees appointed  
26 pursuant to Section 4 shall continue to constitute the board of  
27 trustees until the first Monday of the month following the  
28 month of the first election of trustees. If the term of office  
29 of any appointed trustees expires before the first election of  
30 trustees, the authority which appointed that trustee under  
31 Section 4 of this Act shall appoint a successor to serve until  
32 a successor is elected and has qualified. The terms of all  
33 appointed trustees in such district shall expire on the first  
34 Monday of the month following the month of the first election  
35 of trustees under this Section or when successors have been  
36 elected and have qualified, whichever occurs later.

1 (Source: P.A. 90-358, eff. 1-1-98.)